



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

This application of:

Gary K. Michelson

Serial No: 10/802,906

Filed: March 17, 2004

For: ORTHOPEDIC IMPLANT WITH  
LOCKING ELEMENT (as amended)

Confirmation No.: 5309

Art Unit: 3733

Examiner: Richard R. Shaffer

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:


Transmitted herewith is an Information Disclosure Statement in the above-identified application.

- ☐ No additional fee is required.
- ☐ Applicant hereby requests a three-month extension of time to respond to the above office action.
- ☒ The total amount of **\$180.00** to cover the IDS fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. **A copy of this sheet is enclosed.**
  - ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
  - ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN &amp; FERRARO, LLP

Date: May 16, 2007

By:   
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5-17-07

5-17-07  
10/15



PATENT  
Attorney Docket No. 101.0058-03000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Gary K. Michelson	)	
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LOCKING ELEMENT (as amended))	)	

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL**

Express Mail Mailing Label No. EB251205304US

Date of Deposit: May 16, 2007

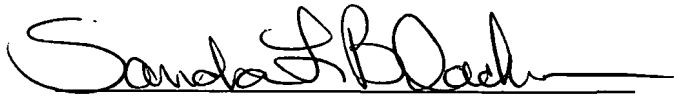
I hereby certify that:

1. Transmittal Form (in duplicate; \$180.00 total amount to cover the IDS fee is to be charged to Deposit Account No. 50-3726)
2. Information Disclosure Statement Under 37 C.F.R. § 1.97(c)
3. Form PTO-1449
4. 12 documents
5. Self-addressed return postcard receipt

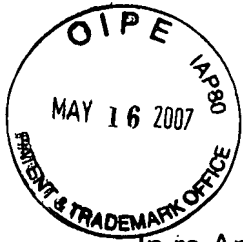
are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

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Commissioner for Patents  
P.O. Box 1450  
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Date: May 16, 2007

  
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PATENT  
Attorney Docket No. 101.0058-03000  
Customer No. 22882  
Express Mail Label No. EB251205304US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 5309
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For: ORTHOPEDIC IMPLANT WITH	)	
LOCKING ELEMENT (as amended))	)	

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-3726.

Copies of the listed non-U.S. patent documents are provided herewith.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant

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reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

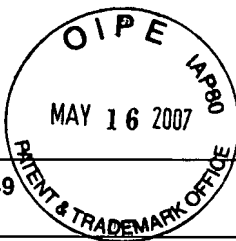
Respectfully submitted,

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OMB 0651-0031  
Express Mail Label No. EB251205304US

Substitute for FORM PTO-1449	Attorney Docket Number 101.0058-03000	Customer No. 22882	
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>	Applicant Gary K. Michelson	Application Number 10/802,906	
(Use several sheets if necessary) Sheet <u>1</u> of <u>2</u>	Filing Date March 17, 2004	Group Art Unit 3733	Examiner R. Shaffer

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2,526,959	10/1950	Lorenzo			
	3,244,170	4/1966	McElenny			
	3,386,437	6/1968	Treace			
	3,604,414	9/1971	Borges			
	4,164,794	8/1979	Spector et al.			
	4,781,183	11/1988	Casey et al.			
	5,000,166	3/1991	Karpf			
	5,108,399	4/1992	Eitenmuller et al.			
	5,129,899	7/1992	Small et al.			
	5,209,751	5/1993	Farris et al.			
	5,261,910	11/1993	Warden et al.			
	5,290,288	3/1994	Vignaud et al.			
	5,616,142	4/1997	Yuan et al.			
	5,620,443	4/1997	Gertzbein et al.			
	5,662,655	9/1997	Laboureau et al.			
	5,672,175	9/1997	Martin			
	5,681,311	10/1997	Foley et al.			
	5,733,287	3/1998	Tepic et al.			
	5,735,853	4/1998	Olerud			
	5,735,899	4/1998	Schwartz et al.			
	5,755,796	5/1998	Ibo et al.			
	5,984,967	11/1999	Zdeblick et al.			
	6,152,927	11/2000	Farris et al.			
	7,077,844	7/2006	Michelson			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Advertisement for The AcuFix Anterior Cervical Plate System; Spinal Concepts; undated.
	Article from The Surgeon; The Anterior Plating of the Cervical Spine with the Titanium Hollow Screw System by E. Morscher, F. Sutter, H. Jenny and S. Olerud; (1986).
	ACROMED; <u>AcroPlate Anterior Cervical System: Ordering Information for Implants and Instruments</u> ; 1994.
	ACROMED; <u>Kaneda Anterior Spinal Instrumentation System, Technique Manual</u> .
	ACROMED; <u>University Plate Titanium Anterior System: Ordering Information for Implants and Instruments</u> ; 1994
	CASPAR et al.; <u>Experimental and Clinical Studies, Anterior Cervical Fusion and Caspar Plate Stabilization for Cervical Trauma</u> ; Neurosurgery; Vol. 25; No. 4; 1989; pp. 491-502.
	CASPAR, Wolfhard; <u>Anterior Cervical Fusion and Interbody Stabilization with the Trapezial Osteosynthetic Plate Technique</u> ; AESCULAP Scientific Information Booklet.
	FOLEY et al.; <u>Aline Anterior Cervical Plating System: Surgical Technique</u> ; Surgical Dynamics; 1998; pp. 1-16.
	STRYKER IMPLANTS; <u>alpha plate</u> ; 1997.
	SYNTHES SPINE; <u>New Additions, Cervical Spine Locking Plate System</u> ; 1995; pp. 1-17.
	SYNTHES SPINE; <u>Product Profile</u> ; 1993; pp. 1-8.
	SYNTHES SPINE; <u>The Titanium, Anterior Thoracolumbar Locking Plate System, Technique Guide</u> ; 1994; pp. 1-13.
EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	